

REMARKS

Claims 1, 3, 5-6 and 8-17 are pending in this application. Claims 9-17 are currently withdrawn. Reconsideration of the pending claims is requested in view of the following remarks.

I. Rejections Under 35 U.S.C. §103(a)**A. Claims 1-5 and 7-8**

Claims 1, 3, 5 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 2000-067894 ("Meltser") in view of U.S. Patent Application Pub. No. 2004/0067398 ("Watanabe") and in further view of U.S. Patent No. 6,461,751 ("Boehm"). Applicants respectfully traverse this rejection.

Applicants submit that none of the cited references describe an integrated judgment means that performs the actions recited in claim 1.

The integrated judgment means of claim 1 is described the following manner. Specifically, if the judgment means judges that the voltage is greater than a specified voltage reference value, the display means displays that the state of the fuel cell is normal (i.e., if $V_{\text{FuelCell}} > V_{\text{REF}}$, display shows that fuel cell is normal) and the judgment means ceases judging.

However, if the judgment means judges that the voltage is less than the specified voltage reference value, the judgment means proceeds to further judge the residual amount of the fuel detected by the residual fuel detection means (i.e., if $V_{\text{FuelCell}} < V_{\text{REF}}$, judgment means proceeds to determine fuel amount in fuel cell). If the judgment means judges that the residual fuel amount is smaller than a specified fuel reference value, the display means displays that the residual fuel amount in the fuel cell is insufficient (i.e., $FA_{\text{RES}} < FA_{\text{REF}}$, the display outputs that the fuel cell is insufficient) and the judgment means ceases judging.

However, if the judgment means judges that the residual fuel amount is greater than the specified reference fuel value, the judgment means proceeds to further judge the oxidizing agent concentration detected by the oxidizing agent concentration detection means (i.e., if $FA_{RES} > FA_{REF}$, judgment means proceeds to determine the oxidizing agent concentration in the fuel cell). If the judgment means judges that the oxidizing agent concentration is less than a specified oxidizing agent concentration value, the display means displays that the oxidizing agent is insufficient (i.e., $OAC < OAC_{REF}$, the display outputs that fuel cell is insufficient) and the judgment means ceases judging. However, if the judgment means judges that the oxidizing agent concentration is greater than the specified oxidizing agent concentration value, the display means displays that the state of the fuel cell is abnormal (i.e., $OAC > OAC_{REF}$, the display outputs that fuel cell is abnormal).

In other words, the judgment means described in claim 1 is integrated and is a single structural element that makes multiple determinations on the basis of the detected information provided by the individual detection means (i.e., voltage detection means, fuel cell detection means and oxidizing agent detection means) in a specified order to provide a detailed analysis regarding why the fuel cell, particularly the fuel cell power supply, may be inoperable.

However, Meltser, Watanabe or Miyamoto do not describe the interaction between multiple structural elements that performs multiple determinations, but a single judgment means to determine a single parameter. As such, Meltser, Watanabe or Miyamoto, alone or in combination, would not have provided one of ordinary skill in the art with any reason or rationale to have combined the subject matter described therein to form the integrated judgment means recited in claim 1. Combining the cited references in the manner proposed by the Patent Office would have merely produced a fuel cell with three separate structural elements comprised of (1) three individual detection means and (2) three separate judgment means that individually determine the voltage, residual fuel and oxidizing agent

concentration. In other words, the combination would have produced a fuel cell that requires multiple judgment elements to determine these three parameters, and would not have led one to integrate the judgment means in the manner specified in claim 1 with any reasonable expectation of success.

Withdrawal of the rejection is requested.

B. Claims 6-8

Claims 6-8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Meltser in view of Watanabe, in further view of Boehm and still in further view of U.S. Patent No. 6,002,888 ("Miyamoto"). Applicants respectfully traverse this rejection.

For the reasons described, Meltser, Watanabe and Boehm, alone or in combination, would not have provided one of ordinary skill with any reason or rationale to have combined the subject matter described in each reference to form a fuel cell that includes the judgment means of claim 1. Miyamoto does not remedy the deficiencies of Meltser, Watanabe and Boehm in this regard. As Miyamoto does not describe the judgment means recited in claim 1, Miyamoto, alone or in combination with Meltser, Watanabe and Boehm, would not have provided one with any reason or rationale to have combined the subject matter of the references to have formed a fuel cell that includes the judgment means of claim 1.

Withdrawal of the rejection is requested.

C. Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejections.

II. Rejoinder

In view of the foregoing amendments and arguments, Applicants respectfully request that upon allowance of claims 1, 3, 5-6 and 8, claims 9-17 be rejoined with the present application and similarly allowed.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-6 and 8-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

Jeremy D. Tillman
Registration No. 62,639

MAC:JDT/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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